

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FORTY-THIRD LEGISLATIVE DAY  
MONDAY, FEBRUARY 23, 2009**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.  
Absent and excused – Bayer, Lake. Total – 2.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Anna Richter, Page.

### Approval of Journal

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 20, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1044](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1044](#) and, when so signed, ordered it returned to the Senate.

February 20, 2009

Mr. Speaker:

I return herewith enrolled [HCR 9](#), [H 22](#), [H 66](#), and [H 67](#) which have been signed by the President.

WOOD, Secretary

Enrolled [HCR 9](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled [H 22](#), [H 66](#), and [H 67](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 20, 2009

Mr. Speaker:

I transmit herewith [S 1052](#), [S 1070](#), [S 1075](#), [S 1005](#), as amended, [S 1006](#), as amended, [S 1079](#), [S 1054](#), [S 1097](#), and [S 1091](#) which have passed the Senate.

WOOD, Secretary

[S 1052](#), [S 1070](#), [S 1075](#), [S 1005](#), as amended, [S 1006](#), as amended, [S 1079](#), [S 1054](#), [S 1097](#), and [S 1091](#) were filed for first reading.

February 20, 2009

Mr. Speaker:

I return herewith [H 9](#), [H 18](#), [H 28](#), [H 1](#), and [HJM 2](#) which have passed the Senate.

WOOD, Secretary

[H 18](#), [H 28](#), [H 1](#), [H 9](#), and [HJM 2](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 175](#), [H 176](#), [H 177](#), [H 178](#), [H 179](#), [H 180](#), [H 181](#), [H 182](#), [H 183](#), [H 184](#), [H 185](#), [H 186](#), [H 187](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), and [H 192](#).

CLARK, Chairman

[H 175](#) and [H 176](#) were referred to the Local Government Committee.

[H 177](#) and [H 185](#) were referred to the State Affairs Committee.

[H 178](#), [H 179](#), [H 180](#), [H 181](#), [H 182](#), [H 183](#), and [H 184](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 186](#), [H 187](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), and [H 192](#) were referred to the Business Committee.

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 10](#) and [H 80](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 10](#) and [H 80](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 20](#) to the Governor at 10:10 a.m., as of this date, February 20, 2009.

CLARK, Chairman

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 157](#) and recommend that it do pass.

NONINI, Chairman

[H 157](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 193 BY EDUCATION COMMITTEE AN ACT**

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-309, IDAHO CODE, TO REMOVE A MANDATORY DUTY OF THE STATE BOARD OF EDUCATION, TO PROVIDE CERTAIN DISCRETIONARY AUTHORITY TO THE STATE BOARD AND TO MAKE TECHNICAL CORRECTIONS.

[H 193](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1052](#) and [S 1070](#), by Agricultural Affairs Committee, were introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1075](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

[S 1005](#), as amended, and [S 1006](#), as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1079](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1054](#) and [S 1097](#), by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1091](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### **Second Reading of Bills and Joint Resolutions**

[H 173](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1041](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 119](#), [H 121](#), [H 142](#), and [H 141](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

### **Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [S 1043](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HCR 20](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [HCR 20](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Boyle, Crane, Gibbs, Palmer. Total – 4.

Absent and excused – Bayer, Black, Lake, Roberts. Total – 4.  
Total – 70.

Whereupon the Speaker declared [HCR 20](#) adopted and ordered the resolution transmitted to the Senate.

[H 137](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [H 137](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Harwood. Total – 1.

Absent and excused – Bayer, Lake, Roberts. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 137](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 11](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Durst to open debate.

The question being, "Shall [HCR 11](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Andrus. Total – 1.

Absent and excused – Bayer, Lake, Roberts. Total – 3.  
Total – 70.

Whereupon the Speaker declared [HCR 11](#) adopted and ordered the resolution transmitted to the Senate.

Mr. Nonini asked unanimous consent that [HCR 7](#) be returned to the Education Committee. There being no objection, it was so ordered.

[H 79](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [H 79](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Bayer, Lake, Roberts. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 79](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1012](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini and Mr. Thompson to open debate.

The question being, "Shall [S 1012](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs,

Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bayer, Bedke, Lake, Roberts. Total – 4.  
Total – 70.

Whereupon the Speaker declared that [S 1012](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1019](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [S 1019](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bayer, Bedke, Lake, Roberts. Total – 4.  
Total – 70.

Whereupon the Speaker declared that [S 1019](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 143](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 143](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bayer, Bedke, Lake, Roberts. Total – 4.  
Total – 70.

Whereupon the Speaker declared that [H 143](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 102](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 102](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Thayn. Total – 1.

Absent and excused – Bayer, Lake, Roberts. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 102](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 99](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Takasugi to open debate.

The question being, "Shall [H 99](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Patrick. Total – 1.

Absent and excused – Bayer, Lake, Roberts. Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 99](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 100](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Takasugi to open debate.

The question being, "Shall [H 100](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Loertscher, Luker, Marriott, McGeachin, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Trail, Wills, Wood(27), Mr. Speaker. Total – 60.

NAYS – Barrett, Labrador, Mathews, Moyle, Thayn, Thompson, Wood(35). Total – 7.

Absent and excused – Bayer, Lake, Roberts. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 100](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 132](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [H 132](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Bayer, Lake, Roberts. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 132](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 152](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 152](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson,

Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Bayer, Lake, Roberts. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 152](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Jarvis asked unanimous consent that [H 154](#) be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, February 24, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12 noon.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk